

AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY MARCH 24, 2003
AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Yee
(~~Coauthors: Assembly Members Diaz, Lieber, and Spitzer~~)
(Coauthors: Assembly Members Corbett, Diaz, Lieber, Montanez,
and Spitzer)

February 6, 2003

An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to ~~translators and~~ interpreters.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Yee. ~~Translators and interpreters~~
Interpreters: prohibition on use of children.

Existing law requires, and in some instances permits, the use of translators or interpreters by various agencies, organizations, or entities for non-English-speaking or deaf persons in connection with various functions.

This bill would ~~provide that~~ *prohibit* a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, ~~shall not use from using~~ any child, or ~~permit~~ *permitting* any child to be used, as ~~a translator or an~~ interpreter, *as defined*, in any matter involving the business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for ~~provided~~ *providing* competent interpretation services, ~~as defined~~, that does not involve the use of children.

This bill would also provide that a violation of this section by a nongovernmental public or private agency, organization, entity, or program that receives state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program, and would establish requirements for the reinstatement of *that* funding.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In cases in which parents are monolingual and non-English
- 4 speakers, or deaf, it has become all too common for service
- 5 providers to use children as interpreters for their parents.
- 6 Nongovernmental agencies, state agencies, hospitals, clinics, and
- 7 law enforcement agencies have all used children as interpreters,
- 8 often because the use of children provides an immediate solution
- 9 to communication problems with the children's
- 10 non-English-speaking or deaf parents.
- 11 (b) Children should not be exposed to discussions and
- 12 information that is often beyond their comprehension, or to
- 13 discussions and information that are inappropriate for, or
- 14 unseemly to, children.



(c) The involvement of children as interpreters is difficult, both for the children and for the associated adults, and may lead to an agency, organization, entity, or program being misinformed as a result of a child's ignorance or shame. The involvement of children as interpreters can also be traumatizing to the children.

(d) *The use of children as interpreters can interfere with their attendance at school.*

(e) It is the intent of the Legislature to prohibit the use of children as interpreters by any state or local governmental agency, or any agency, organization, entity, or program that receives state funding.

SEC. 2. Section 36 is added to the Business and Professions Code, to read:

36. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) *"Interpreter" means a person who orally translates from one language to another.*

SEC. 3. Section 21.5 is added to the Civil Code, to read:

21.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for

1 providing competent interpretation services that does not include
2 the use of children.

3 (b) A violation of this section by a nongovernmental public or
4 private agency, organization, entity, or program that is supported
5 by state funding may result in the loss of state funding to, or the
6 cancellation of state contracts with, that agency, organization,
7 entity, or program.

8 (c) State funding or any contract terminated pursuant to
9 subdivision (b) shall not be reinstated until the state agency
10 providing that state funding has determined that the agency,
11 organization, entity, or program has done both of the following:

12 (1) Terminated the use of children as ~~translators or~~ interpreters.

13 (2) Established procedures to ensure that children will not be
14 utilized as ~~translators or~~ interpreters by the agency, organization,
15 entity, or program.

16 (d) The State Personnel Board may conduct investigations and
17 take all reasonable actions to effectuate the purposes of this section
18 with respect to state agencies.

19 (e) Nothing in this section shall prohibit an agency,
20 organization, entity, or program from using a child to interpret in
21 any of the following situations:

22 (1) To help determine a limited-English-proficient person's
23 primary language.

24 (2) To help ensure the receipt of language assistance.

25 (3) During routine and casual queries, including those
26 involving office hours or directions, or other matters that do not
27 involve the actual provision of the services of the business, or the
28 function of the agency, organization, entity, or program.

29 (4) During emergency situations affecting the immediate life,
30 safety, health, or welfare of an individual when there are no other
31 alternatives immediately available, so long as a competent
32 interpreter is provided as soon as possible.

33 (5) *To assist with simple queries at any authorized retail food*
34 *vendor concerning the receipt of benefits through the California*
35 *Special Supplemental Food Program for Women, Infants, and*
36 *Children (WIC), federal Food Stamp Program, or other similar*
37 *public benefit programs.*

38 (f) For purposes of this section:

39 (1) "Child" means a person who is under the age of 18 years.

1 (2) “Established procedure for providing competent
2 interpretation” means the provision of an in-person interpreter or
3 bilingual staff member, or, at a minimum, a telephonic-based
4 interpretation service or other interpretation resources that can be
5 easily used by staff members to communicate effectively with
6 limited-English-proficient or deaf persons. A state agency shall
7 include a description of these procedures in its implementation
8 plan submitted to the State Personnel Board pursuant to Section
9 7299.4 of the Government Code.

10 (3) *“Interpreter” means a person who orally translates from*
11 *one language to another.*

12 SEC. 4. Section 33.5 is added to the Code of Civil Procedure,
13 to read:

14 33.5. (a) Subject to subdivision (e), a state or local
15 governmental agency, or a public or private agency, organization,
16 entity, or program that receives state funding, may not use any
17 child, or permit any child to be used, as ~~a translator or an~~
18 interpreter in any matter involving the business or function of that
19 agency, organization, entity, or program, and shall have in place,
20 and available for inspection, an established procedure for
21 providing competent interpretation services that does not include
22 the use of children.

23 (b) A violation of this section by a nongovernmental public or
24 private agency, organization, entity, or program that is supported
25 by state funding may result in the loss of state funding to, or the
26 cancellation of state contracts with, that agency, organization,
27 entity, or program.

28 (c) State funding or any contract terminated pursuant to
29 subdivision (b) shall not be reinstated until the state agency
30 providing the state funding has determined that the agency,
31 organization, entity, or program has done both of the following:

32 (1) Terminated the use of children as ~~translators or~~ interpreters.

33 (2) Established procedures to ensure that children will not be
34 utilized as ~~translators or~~ interpreters by the agency, organization,
35 entity, or program.

36 (d) The State Personnel Board may conduct investigations and
37 take all reasonable actions to effectuate the purposes of this section
38 with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) *"Interpreter" means a person who orally translates from one language to another.*

SEC. 5. Article 8 (commencing with Section 95) is added to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 8. ~~Translators and~~ Interpreters

95. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization,

1 entity, or program that receives state funding, may not use any
2 child, or permit any child to be used, as ~~a translator or an~~
3 interpreter in any matter involving the business or function of that
4 agency, organization, entity, or program, and shall have in place,
5 and available for inspection, an established procedure for
6 providing competent interpretation services that does not include
7 the use of children.

8 (b) A violation of this section by a nongovernmental public or
9 private agency, organization, entity, or program that is supported
10 by state funding may result in the loss of state funding to, or the
11 cancellation of state contracts with, that agency, organization,
12 entity, or program.

13 (c) State funding or any contract terminated pursuant to
14 subdivision (b) shall not be reinstated until the agency,
15 organization, entity, or program has done both of the following:

16 (1) Terminated the use of children as ~~translators or~~ interpreters.

17 (2) Established procedures to ensure that children will not be
18 utilized as ~~translators or~~ interpreters by the agency, organization,
19 entity, or program.

20 (d) The State Personnel Board may conduct investigations and
21 take all reasonable actions to effectuate the purposes of this section
22 with respect to state agencies.

23 (e) Nothing in this section shall prohibit an agency,
24 organization, entity, or program from using a child to interpret in
25 any of the following situations:

26 (1) To help determine a limited-English-proficient person's
27 primary language.

28 (2) To help ensure the receipt of language assistance.

29 (3) During routine and casual queries, including those
30 involving office hours or directions, or other matters that do not
31 involve the actual provision of the services of the business, or the
32 function of the agency, organization, entity, or program.

33 (4) During emergency situations affecting the immediate life,
34 safety, health, or welfare of an individual when there are no other
35 alternatives immediately available, so long as a competent
36 interpreter is provided as soon as possible.

37 (5) *To assist with simple queries at any authorized retail food*
38 *vendor concerning the receipt of benefits through the California*
39 *Special Supplemental Food Program for Women, Infants, and*

1 *Children (WIC), federal Food Stamp Program, or other similar*
2 *public benefit programs.*

3 (f) For purposes of this section:

4 (1) “Child” means a person who is under the age of 18 years.

5 (2) “Established procedure for providing competent
6 interpretation” means the provision of an in-person interpreter or
7 bilingual staff member, or, at a minimum, a telephonic-based
8 interpretation service or other interpretation resources that can be
9 easily used by staff members to communicate effectively with
10 limited-English-proficient or deaf persons. A state agency shall
11 include a description of these procedures in its implementation
12 plan submitted to the State Personnel Board pursuant to Section
13 7299.4 of the Government Code.

14 (3) “Interpreter” means a person who orally translates from
15 one language to another.

16 SEC. 6. Section 755.6 is added to the Evidence Code, to read:

17 755.6. (a) Subject to subdivision (e), a state or local
18 governmental agency, or a public or private agency, organization,
19 entity, or program that receives state funding, may not use any
20 child, or permit any child to be used, as ~~a translator or an~~
21 interpreter in any matter involving the business or function of that
22 agency, organization, entity, or program, and shall have in place,
23 and available for inspection, an established procedure for
24 providing competent interpretation services that does not include
25 the use of children.

26 (b) A violation of this section by a nongovernmental public or
27 private agency, organization, entity, or program that is supported
28 by state funding may result in the loss of state funding to, or the
29 cancellation of state contracts with, that agency, organization,
30 entity, or program.

31 (c) State funding or any contract terminated pursuant to
32 subdivision (b) shall not be reinstated until the state agency
33 providing the state funding has determined that the agency,
34 organization, entity, or program has done both of the following:

35 (1) Terminated the use of children as ~~translators or~~ interpreters.

36 (2) Established procedures to ensure that children will not be
37 utilized as ~~translators or~~ interpreters by the agency, organization,
38 entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) *"Interpreter" means a person who orally translates from one language to another.*

SEC. 7. Part 8 (commencing with Section 296) is added to Division 2 of the Family Code, to read:

PART 8. ~~TRANSLATORS AND INTERPRETERS~~

296. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other

1 alternatives immediately available, so long as a competent
2 interpreter is provided as soon as possible.

3 (5) *To assist with simple queries at any authorized retail food*
4 *vendor concerning the receipt of benefits through the California*
5 *Special Supplemental Food Program for Women, Infants, and*
6 *Children (WIC), federal Food Stamp Program, or other similar*
7 *public benefit programs.*

8 (f) For the purposes of this section:

9 (1) “Child” means a person who is under the age of 18 years.

10 (2) “Established procedure for providing competent
11 interpretation” means the provision of an in-person interpreter or
12 bilingual staff member, or, at a minimum, a telephonic-based
13 interpretation service or other interpretation resources that can be
14 easily used by staff members to communicate effectively with
15 limited-English-proficient or deaf persons. A state agency shall
16 include a description of these procedures in its implementation
17 plan submitted to the State Personnel Board pursuant to Section
18 7299.4 of the Government Code.

19 (3) “Interpreter” means a person who orally translates from
20 one language to another.

21 SEC. 8. Section 27 is added to the Government Code, to read:

22 27. (a) Subject to subdivision (e), a state or local
23 governmental agency, or a public or private agency, organization,
24 entity, or program that receives state funding, may not use any
25 child, or permit any child to be used, as ~~a translator or an~~
26 ~~interpreter~~ in any matter involving the business or function of that
27 agency, organization, entity, or program, and shall have in place,
28 and available for inspection, an established procedure for
29 providing competent interpretation services that does not include
30 the use of children.

31 (b) A violation of this section by a nongovernmental public or
32 private agency, organization, entity, or program that is supported
33 by state funding may result in the loss of state funding to, or the
34 cancellation of state contracts with, that agency, organization,
35 entity, or program.

36 (c) State funding or any contract terminated pursuant to
37 subdivision (b) shall not be reinstated until the state agency
38 providing the state funding has determined that the agency,
39 organization, entity, or program has done both of the following:

40 (1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For the purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4.

(3) *"Interpreter" means a person who orally translates from one language to another.*

SEC. 9. Section 29 is added to the Health and Safety Code, to read:

29. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

1 (5) *To assist with simple queries at any authorized retail food*
2 *vendor concerning the receipt of benefits through the California*
3 *Special Supplemental Food Program for Women, Infants, and*
4 *Children (WIC), federal Food Stamp Program, or other similar*
5 *public benefit programs.*

6 (f) For purposes of this section:

7 (1) “Child” means a person who is under the age of 18 years.

8 (2) “Established procedure for providing competent
9 interpretation” means the provision of an in-person interpreter or
10 bilingual staff member, or, at a minimum, a telephonic-based
11 interpretation service or other interpretation resources that can be
12 easily used by staff members to communicate effectively with
13 limited-English-proficient or deaf persons. A state agency shall
14 include a description of these procedures in its implementation
15 plan submitted to the State Personnel Board pursuant to Section
16 7299.4 of the Government Code.

17 (3) “Interpreter” means a person who orally translates from
18 one language to another.

19 SEC. 10. Section 49 is added to the Insurance Code, to read:

20 49. (a) Subject to subdivision (e), a state or local
21 governmental agency, or a public or private agency, organization,
22 entity, or program that receives state funding, may not use any
23 child, or permit any child to be used, as ~~a translator or an~~
24 ~~interpreter~~ in any matter involving the business or function of that
25 agency, organization, entity, or program, and shall have in place,
26 and available for inspection, an established procedure for
27 providing competent interpretation services that does not include
28 the use of children.

29 (b) A violation of this section by a nongovernmental public or
30 private agency, organization, entity, or program that is supported
31 by state funding may result in the loss of state funding to, or the
32 cancellation of state contracts with, that agency, organization,
33 entity, or program.

34 (c) State funding or any contract terminated pursuant to
35 subdivision (b) shall not be reinstated until the state agency
36 providing the state funding has determined that the agency,
37 organization, entity, or program has done both of the following:

38 (1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) "Interpreter" means a person who orally translates from one language to another.

SEC. 11. Section 30 is added to the Labor Code, to read:

1 30. (a) Subject to subdivision (e), a state or local
2 governmental agency, or a public or private agency, organization,
3 entity, or program that receives state funding, may not use any
4 child, or permit any child to be used, as ~~a translator or an~~
5 interpreter in any matter involving the business or function of that
6 agency, organization, entity, or program, and shall have in place,
7 and available for inspection, an established procedure for
8 providing competent interpretation services that does not include
9 the use of children.

10 (b) A violation of this section by a nongovernmental public or
11 private agency, organization, entity, or program that is supported
12 by state funding may result in the loss of state funding to, or the
13 cancellation of state contracts with, that agency, organization,
14 entity, or program.

15 (c) State funding or any contract terminated pursuant to
16 subdivision (b) shall not be reinstated until the state agency
17 providing the state funding has determined that the agency,
18 organization, entity, or program has done both of the following:

19 (1) Terminated the use of children as ~~translators or~~ interpreters.

20 (2) Established procedures to ensure that children will not be
21 utilized as ~~translators or~~ interpreters by the agency, organization,
22 entity, or program.

23 (d) The State Personnel Board may conduct investigations and
24 take all reasonable actions to effectuate the purposes of this section
25 with respect to state agencies.

26 (e) Nothing in this section shall prohibit an agency,
27 organization, entity, or program from using a child to interpret in
28 any of the following situations:

29 (1) To help determine a limited-English-proficient person's
30 primary language.

31 (2) To help ensure the receipt of language assistance.

32 (3) During routine and casual queries, including those
33 involving office hours or directions, or other matters that do not
34 involve the actual provision of the services of the business, or the
35 function of the agency, organization, entity, or program.

36 (4) During emergency situations affecting the immediate life,
37 safety, health, or welfare of an individual when there are no other
38 alternatives immediately available, so long as a competent
39 interpreter is provided as soon as possible.

1 (5) *To assist with simple queries at any authorized retail food*
2 *vendor concerning the receipt of benefits through the California*
3 *Special Supplemental Food Program for Women, Infants, and*
4 *Children (WIC), federal Food Stamp Program, or other similar*
5 *public benefit programs.*

6 (f) For purposes of this section:

7 (1) “Child” means a person who is under the age of 18 years.

8 (2) “Established procedure for providing competent
9 interpretation” means the provision of an in-person interpreter or
10 bilingual staff member, or, at a minimum, a telephonic-based
11 interpretation service or other interpretation resources that can be
12 easily used by staff members to communicate effectively with
13 limited-English-proficient or deaf persons. A state agency shall
14 include a description of these procedures in its implementation
15 plan submitted to the State Personnel Board pursuant to Section
16 7299.4 of the Government Code.

17 (3) “Interpreter” means a person who orally translates from
18 one language to another.

19 SEC. 12. Section 24.5 is added to the Penal Code, to read:

20 24.5. (a) Subject to subdivision (e), a state or local
21 governmental agency, or a public or private agency, organization,
22 entity, or program that receives state funding, may not use any
23 child, or permit any child to be used, as ~~a translator or an~~
24 ~~interpreter~~ in any matter involving the business or function of that
25 agency, organization, entity, or program, and shall have in place,
26 and available for inspection, an established procedure for
27 providing competent interpretation services that does not include
28 the use of children.

29 (b) A violation of this section by a nongovernmental public or
30 private agency, organization, entity, or program that is supported
31 by state funding may result in the loss of state funding to, or the
32 cancellation of state contracts with, that agency, organization,
33 entity, or program.

34 (c) State funding or any contract terminated pursuant to
35 subdivision (b) shall not be reinstated until the state agency
36 providing the state funding has determined that the agency,
37 organization, entity, or program has done both of the following:

38 (1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) *To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.*

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) *"Interpreter" means a person who orally translates from one language to another.*

SEC. 13. Chapter 5 (commencing with Section 1070) is added to Part 1 of Division 3 of the Probate Code, to read:

CHAPTER 5. ~~TRANSLATORS AND~~ INTERPRETERS

1070. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other

1 alternatives immediately available, so long as a competent
2 interpreter is provided as soon as possible.

3 (5) *To assist with simple queries at any authorized retail food*
4 *vendor concerning the receipt of benefits through the California*
5 *Special Supplemental Food Program for Women, Infants, and*
6 *Children (WIC), federal Food Stamp Program, or other similar*
7 *public benefit programs.*

8 (f) For purposes of this section:

9 (1) “Child” means a person who is under the age of 18 years.

10 (2) “Established procedure for providing competent
11 interpretation” means the provision of an in-person interpreter or
12 bilingual staff member, or, at a minimum, a telephonic-based
13 interpretation service or other interpretation resources that can be
14 easily used by staff members to communicate effectively with
15 limited-English-proficient or deaf persons. A state agency shall
16 include a description of these procedures in its implementation
17 plan submitted to the State Personnel Board pursuant to Section
18 7299.4 of the Government Code.

19 (3) “Interpreter” means a person who orally translates from
20 one language to another.

21 SEC. 14. Section 22 is added to the Unemployment Insurance
22 Code, to read:

23 22. (a) Subject to subdivision (e), a state or local
24 governmental agency, or a public or private agency, organization,
25 entity, or program that receives state funding, may not use any
26 child, or permit any child to be used, as ~~a translator or an~~
27 interpreter in any matter involving the business or function of that
28 agency, organization, entity, or program, and shall have in place,
29 and available for inspection, an established procedure for
30 providing competent interpretation services that does not include
31 the use of children.

32 (b) A violation of this section by a nongovernmental public or
33 private agency, organization, entity, or program that is supported
34 by state funding may result in the loss of state funding to, or the
35 cancellation of state contracts with, that agency, organization,
36 entity, or program.

37 (c) State funding or any contract terminated pursuant to
38 subdivision (b) shall not be reinstated until the state agency
39 providing the state funding has determined that the agency,
40 organization, entity, or program has done both of the following:

1 (1) Terminated the use of children as ~~translators or~~ interpreters.

2 (2) Established procedures to ensure that children will not be
3 utilized as ~~translators or~~ interpreters by the agency, organization,
4 entity, or program.

5 (d) The State Personnel Board may conduct investigations and
6 take all reasonable actions to effectuate the purposes of this section
7 with respect to state agencies.

8 (e) Nothing in this section shall prohibit an agency,
9 organization, entity, or program from using a child to interpret in
10 any of the following situations:

11 (1) To help determine a limited-English-proficient person's
12 primary language.

13 (2) To help ensure the receipt of language assistance.

14 (3) During routine and casual queries, including those
15 involving office hours or directions, or other matters that do not
16 involve the actual provision of the services of the business, or the
17 function of the agency, organization, entity, or program.

18 (4) During emergency situations affecting the immediate life,
19 safety, health, or welfare of an individual when there are no other
20 alternatives immediately available, so long as a competent
21 interpreter is provided as soon as possible.

22 (5) *To assist with simple queries at any authorized retail food*
23 *vendor concerning the receipt of benefits through the California*
24 *Special Supplemental Food Program for Women, Infants, and*
25 *Children (WIC), federal Food Stamp Program, or other similar*
26 *public benefit programs.*

27 (f) For purposes of this section:

28 (1) "Child" means a person who is under the age of 18 years.

29 (2) "Established procedure for providing competent
30 interpretation" means the provision of an in-person interpreter or
31 bilingual staff member, or, at a minimum, a telephonic-based
32 interpretation service or other interpretation resources that can be
33 easily used by staff members to communicate effectively with
34 limited-English-proficient or deaf persons. A state agency shall
35 include a description of these procedures in its implementation
36 plan submitted to the State Personnel Board pursuant to Section
37 7299.4 of the Government Code.

38 (3) "Interpreter" means a person who orally translates from
39 one language to another.

SEC. 15. Section 26.5 is added to the Welfare and Institutions Code, to read:

26.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as ~~a translator or an~~ interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as ~~translators or~~ interpreters.

(2) Established procedures to ensure that children will not be utilized as ~~translators or~~ interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other

1 alternatives immediately available, so long as a competent
2 interpreter is provided as soon as possible.

3 (5) *To assist with simple queries at any authorized retail food*
4 *vendor concerning the receipt of benefits through the California*
5 *Special Supplemental Food Program for Women, Infants, and*
6 *Children (WIC), federal Food Stamp Program, or other similar*
7 *public benefit programs.*

8 (f) For purposes of this section:

9 (1) “Child” means a person who is under the age of 18 years.

10 (2) “Established procedure for providing competent
11 interpretation” means the provision of an in-person interpreter or
12 bilingual staff member, or, at a minimum, a telephonic-based
13 interpretation service or other interpretation resources that can be
14 easily used by staff members to communicate effectively with
15 limited-English-proficient or deaf persons. A state agency shall
16 include a description of these procedures in its implementation
17 plan submitted to the State Personnel Board pursuant to Section
18 7299.4 of the Government Code.

19 (3) “Interpreter” means a person who orally translates from
20 one language to another.

